

OPEN AND SHUT?

Monday, February 26, 2007

UK's AHRC to introduce Open Access mandate

The UK is a world leader in the movement for Open Access (OA). In June 2006, for instance, the country's biggest public research funder, Research Councils UK (RCUK), published an OA-friendly [position paper](#) that has led to five of the eight constituent UK Research Councils adopting [self-archiving](#) mandates. These mandates require grant-holders to make their research freely available in online repositories.

To date, however, the Arts & Humanities Research Council (AHRC) has not introduced a mandate. Moreover, the likelihood of it doing so has not looked good.

When in February, for instance, the Chief Executive of AHRC [Professor Philip Esler](#) was invited to sign a [petition](#) calling on the EC to introduce a European-wide OA mandate, he responded by sending an e-mail to the heads of all the other Research Councils, as well as to OA advocates and journalists, saying that he did not intend to sign the petition because "to do what the petition requires in a particular case could arguably entail inducing someone to breach the copyright clause of his or her publishing contract." Perhaps as a consequence of this, only one Research Council Chief Executive signed the petition.

OA advocates were quick to suggest that Professor Esler had misunderstood the petition; a misunderstanding he now appears to concede. But what is current thinking about OA at the AHRC? And has it ruled out introducing a mandate? Richard Poynder e-mailed Professor Esler to find out.



Philip Esler

RP: Do you envisage the AHRC introducing a self-archiving mandate at some point? If so, when will that be? PE:

The AHRC is one of eight UK Research Councils that have a common policy on Open Access. This policy can be [found](#) on the RCUK website. The AHRC is committed to the principles articulated in that policy. A key principle among them is that "Ideas and knowledge derived from publicly-funded research must be made available and accessible for public use, interrogation and scrutiny, as widely, rapidly and effectively as practicable."

The Research Councils, including the AHRC, agree that their funded researchers should, where required to do so, deposit the outputs from Research Councils' funded research in an acceptable repository as designated by the individual Research Council. Detailed guidance on this issue will, in due course, appear on the websites of each Council.

The RCUK policy also provides that "Full implementation of these requirements must be undertaken such that current copyright and licensing policies, for example embargo periods or provisions limiting the use of deposited content to non-commercial purposes, are respected by authors. The research councils' position is based on the assumption that publishers will maintain the spirit of their current policies."

The Research Councils have a round of activities in progress in relation to this policy that includes consulting with the publishing community regarding copyright and

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Guest Post -- Pandemic Disruptor: Canadian Perspectives on how COVID-19 is Changing Open Access (Part 1)

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licensing issues.

Clearly, it would be in the interest of researchers and users of research if a blanket arrangement could be reached with publishers allowing deposition of works in which the publishers hold copyright in Open Access repositories, and in as short a period as possible after publication by the publishers.

The AHRC, like other Research Councils, is moving toward a detailed policy in line with these principles.

RP: You say that the Research Councils have a common policy on Open Access. My understanding, however, is that five of the eight Research Councils have introduced a self-archiving mandate, but the AHRC has not. Does this not suggest that the AHRC is out of step?

PE: We have announced our intention to introduce a self-archiving mandate. Our policy is the same as the other Councils and this is merely a timetabling issue.

We are currently reviewing the **Arts and Humanities Data Service** (jointly funded with JISC) and that is a factor that has slowed us down a bit in comparison with the other Councils. We are not out of step with the other Councils on this!

RP: I wasn't aware of an announcement. PE:

We will consider the AHDS at the Council meeting on 15th March 2007, so I hope it will be shortly after that. We point out on our website that we will take into account our findings on the AHDS prior to offering our guidance.

RP: Some argue that Open Access raises different issues for the arts and humanities than it does for the sciences? Would you agree? PE:

In my view, the principles of Open Access are as applicable to the arts and humanities as to the sciences. That is why we are moving forward on this issue jointly with the scientific Research Councils.

RP: In February you were asked to sign a petition calling on the EC to introduce a Europe-wide self-archiving mandate. You responded by saying that you would not sign it because to do so would amount to inducing researchers to breach the copyright clause of the contracts they had with publishers. OA advocates refuted this vigorously. Do you hold to your position?

PE: In my message of 8th February, I did not say that signing the Open Access petition "would" be a **tortious** act but that it "may" be. At that time I was on a train, did not have the text of the petition before me, and was responding to a statement concerning it. I only had in mind the position of my fellow Research Council Chief Executives (the full list of participants to the conversation was not present on my **Blackberry** when I sent my message and I did not know I would be honoured with such a large audience!).

What I said was also specifically restricted to the situation under English law (with which I am familiar with from my past as a lawyer in Australia, where English law forms the foundation of the legal systems of the States), not the law of any other jurisdiction.

I was simply seeking to remind my fellow Research Council Chief Executives of the need for caution in this area, especially in light of the fact that the RCUK policy specifically refers to the copyright issue, as noted above.

RP: So have you subsequently changed your views about the implications of signing the petition? PE:

I have now read what I gather is the current version of this petition. It does not specifically mention copyright, but does talk of the need to have discussions with publishers, which would imply that copyright would be discussed.

Every legal case must be decided on its own facts, but it is not easy for me to say how anyone signing this petition would, under English law, commit the tort of inducing a breach of contract.

But anyone signing the petition should not rely on my view in doing so (I am no longer a certificated and practising lawyer) but, if he or she is in any doubt, should take legal advice in their own jurisdictions.

RP: Will you personally now be signing the petition?

PE: I will still not be signing the petition (even though I am sympathy with its intentions). The announced position of the AHRC is in line with that of RCUK, is very

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Alison Mudditt discusses new OA agreement with the University of

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Please note the postscript to this interview here The open-access publisher Dove Medical Press has a controversial past and I have writ...



The Open Access Interviews: OMICS Publishing Group's Srinu

Babu Gedela

***Update: On August 26th 2016, the US government (Federal Trade Commission) announced that it has charged OMICS with making false claims, ...



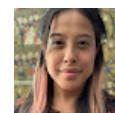
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clear and is actually more detailed than the provisions of this petition.

To the extent that there might be thought to be any differences between this petition and the stated RCUK policy, it might be confusing for me to sign up to both.

RP: The *EC Communication* that was the focus of the petition has now been published. In the event, the EC has decided not to introduce a Europe-wide mandate, but says that it will issue specific guidelines about providing access to research outputs for each of its research programmes (presumably on a voluntary basis). It has also agreed to provide funds to assist researchers who would like to publish in *Open Access journals*. What are your views on the EC policy?

PE: The intentions of the Communication are worthy, both because it looks to opening up access to research and also because it proposes to do so in a way that will be integrated across Europe.

This latter point is important because there is now empirical data showing that research conducted by international teams is higher in quality and impact than research carried out in one country.

For European research, it would be inconvenient if there were different policies on Open Access operation across countries from which research teams might come.

Posted by Richard Poynder at [12:19](#)



2 comments:



Unknown said...

AHRC did indeed consider the AHDS on the 15 March ... and decided to discontinue its funding beyond 2008!

April 22, 2007 6:45 pm

Anonymous said...

AHRC announcement is at

http://www.ahrc.ac.uk/news/news_pr/2007/information_for_applicants_to_AHRC_june_deadline.asp

Note the sentence, "Council believes that long term storage of digital materials and sustainability is best dealt with by an active engagement with HEIs rather than through a centralised service." This does not preclude the AHRC proceeding with an open access mandate as planned.

May 27, 2007 8:21 am

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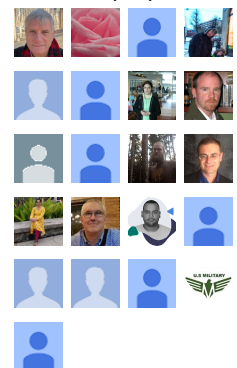
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